

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY

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|---|---|-------------------------|
| Ethel Newton, individually, and as |) | |
| administratrix of the Estate of Iray Hall |) | |
| |) | |
| Plaintiff, |) | |
| |) | C.A. No. 05C-10-088-JRJ |
| v. |) | |
| |) | |
| St. Francis Hospital, Inc., |) | |
| James Thomas, M.D. |) | |
| Nephrology Associates, Inc. |) | |
| |) | |
| Defendants. |) | |

ORDER

AND NOW TO WIT, this 13th day of June, 2007, the Court having duly considered Defendant St. Francis Hospital, Inc.’s Motion to Determine if the Affidavit of Merit Attached to Plaintiff’s Amended Complaint Complies with 18 *Del. C.* § 6853(c), **IT IS HEREBY ORDERED THAT** the Motion is **GRANTED**. Upon review, the affidavit does not expressly state that the physician “has been engaged in the treatment of patients and/or in the teaching/academic side of medicine in the same or similar field of medicine as the defendant(s).” While it may be implicit, given the contents of the affidavit and attached C.V., the Court

requires a specific statement to this effect. The Plaintiff shall provide one within 7 days.

IT IS SO ORDERED.

Jan R. Jurden

cc: Original - Prothonotary